

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Agricultural Marketing Department – Departmental Proceedings initiated against Sri C.V.Gunasekhar, the then Supervisor(now Retired), Agricultural Market Committee, Kalyandurg on misappropriation of Provident Funds to a tune of Rs.11.70 lakhs pertaining to the regular employees of AMC, Kalyandurg – Charges held proved – Imposing of penalty of 10% cut in pension permanently – Orders – Issued.

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AGRICULTURE & CO-OPERATION(VIG.II)DEPARTMENT

G.O.MS.No. 36

Dated: 23-06-2021

Read the following :-

1. Letter Rc.No.336/2013, dated:19.09.2013 of the RJDM, Kadapa.
2. Article of charges issued in Roc.No.174/2013, dt.30.12.2013 of Chairman, AMC, Kalyandurg.
3. Written statement of defence dated:05-02-2014 of Sri C.V.Gunasekhar, Supervisor, AMC, Kalyandurg, Ananthapur District.
4. Govt.Memo.No.2249/AM.II(1)2015, A&C Dept. dated: 30.11.2015.
5. Procs.No.174/2013, dated:22-11-2016 & 13-02-2017 of the Chairman, AMC, Kalyandurg.
6. Letter Rc. No. ADM/ATP/174/2013, dated:11.05.2017 and dated:20.07.2017 of the Inquiry Officer & ADM, Ananthapuram.
7. Letter No. DS(2)11144/2013, dated:12.09.2017 of the C&DoAM, A.P., Guntur.
8. Explanation dated:19-09-2017 of Sri C.V. Gunasekhar, the then Supervisor, AMC, Kalyandurg.
9. From the Spl.C&DoAM, AP, Letter No.D.S.(1)11144/2013, dated:09.10.2017.
10. Show Cause Notice issued vide Govt.Memo.No.2249/Vig.II(1)/2015, dated:05.02.2018.
11. Explanation dated:19-05-2018 of Sri C.V.Gunasekhar, Supervisor, AMC, Kalyandurg, dated:19.05.2018.
12. E-file C.No.DS(2)11144-2013 received from Spl.C&DoAM, AP, Guntur.
13. Govt.Letter No. AGST-32021/1/2016-SO(VIG.II)-AGRSECT, dated:07/10/2020.
14. From the Secretary, APPSC, Vijayawada, Letter No.344/DC&C/2020, dated:06-11-2020.

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O R D E R:

Based on the report of the Regional Joint Director of Marketing, Kadapa, the Chairman, AMC, Kalyandurg, Ananthapur District had initiated disciplinary proceedings by framing the following articles of charges against Sri C.V.Gunasekhar, Supervisor, AMC, Kalyandurg on the allegation of irregularities in misappropriation of Provident Funds to a tune of Rs.11.70 lakhs of the regular employees of AMC, Kalyandurg:-

Article of Charge-I: “That Sri C.V.Gunasekhar, Supervisor (u/s) Agricultural Market Committee, Kalyandurg has allegedly misappropriated the Provident Fund amount of Rs.11.70 Lakhs pertaining to regular employees of Agricultural Market Committee, Kalyandurg duly transferring the amount to his account and utilized the said amount to his personal needs which is highly irregular and thus he violated the conduct rules”.

P.T.O.

Article of Charge-II: “That, he has committed the following irregularities:-

He has not informed, according to Conduct Rules to higher authorities, about the establishment of M/s. Sri Siva Narayana, Security Agency, Ananthapur by his son Sri C.V.Bharath Bhushan, the agency's proprietor.

He has not verified the EPF Credits of previous payments to the security agency and given scope to the security agency for not remitting an amount of Rs. 2,25,077/-.

He has not followed procedure while making payments to the security agency and violate the Conduct Rules”.

2. In reference 3rd read above, the Charged Officer has submitted his explanation to the charges framed against him. The disciplinary authority has examined the written statement of defence submitted by the Charged Officer and dissatisfied with it. Accordingly, in the reference 5th read above, the disciplinary authority has appointed the Inquiry Officer and Presenting Officer to conduct a regular inquiry into the charges framed against the Charged Officer.

3. After conducting the regular inquiry, the Inquiry Officer vide reference 6th read above has submitted the inquiry report concluding that the article of charges framed against the Charged Officer is **held proved**.

4. In the reference 7th read above, the inquiry report was communicated to the Charged Officer, calling for his explanation. In the reference 8th read above, the Charged Officer has submitted his explanation. Before disposal of the case, Sri C.V. Gunasekhar, the then Supervisor, Agricultural Market Committee, Kalyandurg retired from service on 31.12.2017 on attaining the age of superannuation.

5. In the reference 9th read above, the Special Commissioner & Director of Agricultural Marketing, AP, has informed that Sri C.V.Gunasekhar, the then Supervisor, Agricultural Market Committee, Kalyandurg has reimbursed an amount of Rs, 13,81,884/- towards PF amount of the staff with the RBI Interest 2% and also agreed to pay the said amount of Rs.2,25,077/- which is not yet reimbursed by Sri Sivanarayana Security Services, Ananthapur.

6. The government, after careful examination of the matter, have provisionally decided to impose a penalty of withholding 100% cut in pension permanently and entire gratuity against Sri C.V.Gunasekhar, the then Supervisor (Retired), Agricultural Market Committee, Kalyandurg, as the charges are held proved against him in the regular inquiry under Andhra Pradesh Revised Pension Rules, 1980.

7. Accordingly, a Show-Cause Notice was issued to Sri C.V.Gunasekhar, the then Supervisor (Retired), Agricultural Market Committee, Kalyandurg, directing him to show cause as to why the penalty of 100% cut in pension permanently and entire gratuity should not be imposed against him as the charges held proved against him. In the reference 11th read above, Sri C.V.Gunasekhar, Supervisor (Retired), has submitted his explanation to the Show Cause Notice. In his explanation, the Charged Officer has not submitted any new grounds for consideration.

8. After careful examination of the matter with reference to record of inquiry, Government have decided to impose a penalty of 100% cut in pension permanently and entire gratuity against Sri C.V.Gunasekhar, the then Supervisor (Retired), Agricultural Market Committee, Kalyandurg, under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980.

9. In the reference 13th read above, the APPSC was addressed for their concurrence on imposing of 100% cut in pension permanently, and entire gratuity against Sri C.V.Gunasekhar, the then Supervisor(Retired), AMC, Kalyandurg in the above said disciplinary case.

10. In turn, the Secretary, APPSC, in his letter dated:06-11-2020, has informed that the Commission agrees with the proposal of the Government to impose penalty of 100% cut in pension permanently and entire gratuity against Sri C.V.Gunasekhar, the then Supervisor(Retired), AMC, Kalyandurg.

11. After reconsideration of the matter, the Government have observed that Sri C.V.Gunasekhar, Charged Officer/ the then Supervisor(Retired), AMC, Kalyandurg, has repaid the entire misappropriated amount of Rs.11.70 lakhs along with the interest of Rs.2,11,884 amounting to Rs.13,81,884 before his superannuation on 31.12.2017. Hence, the provisional decision to impose a penalty of 100% cut in pension permanently and withholding entire gratuity against the charged offer is disproportionate. It would be very difficult for him and his family to withstand the crisis and search for livelihood.

12. Keeping the above facts into consideration, the Government have decided to impose a penalty of 10% cut in pension permanently instead of a 100% cut in a pension without withholding the entire gratuity against the charged officer on humanitarian grounds.

13. Therefore, in the exercise of the powers conferred under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980, Government hereby order to impose a penalty of 10% cut in pension permanently against Sri C.V.Gunasekhar, the then Supervisor (Retired), Agricultural Market Committee, Kalyandurg, Ananthapur District, in the above disciplinary case, subject to recovery of loss, if any, caused to the Government (or) misappropriated by the retired Government Servant.

14. The Commissioner & Director of Agricultural Marketing, A.P., Guntur shall take further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PARDESH)

Y MADHUSUDHANA REDDY, IFS,
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri C.V.Gunasekhar, the then Supervisor(Retired), Agricultural Market Committee, Kalyandurg, Ananthapur District.

(Through: The Commissioner & Director of Agricultural Marketing, A.P., Guntur)

The Commissioner & Director of Agricultural Marketing, A.P., Guntur.

Copy to:-

The Vigilance Commissioner, A.P.V.C., A.P.Secretariat,

The Secretary, APPSC, Vijayawada.

The OSD to Hon'ble Minister(Agri.,Mktg.& Coop).

The Accountant General, A.P., Vijayawada.

SF/SC.

// FORWARDED::BY ORDER //

SECTION OFFICER